

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:17cr45

JOSEPH BENSON,
 MARK WALLACE,
 BRYAN BROWN,
 and
 ROSUAN KINDELL

GOVERNMENT EXHIBIT LIST

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
1	Photograph – Front of house		Witness: S. Mendola Date: 4-11-18 Admitted: yes
2	Photograph – Side of house		Witness: S. Mendola Date: 4-11-18 Admitted: yes
3	Photograph – Back of house		Witness: S. Mendola Date: 4-11-18 Admitted: yes
4	Photograph – Front door of house		Witness: M. Scott Date: 4-11-18 Admitted: yes
5	Photograph – Inside of entrance to house		Witness: M. Scott Date: 4-11-18 Admitted: yes
6	Photograph – Front living room		Witness: M. Scott Date: 4-11-18 Admitted: yes
7	Photograph – Kitchen area		Witness: M. Scott Date: 4-11-18 Admitted: yes
8	Photograph – Back living room		Witness: M. Scott Date: 4-11-18 Admitted: yes
9	Photograph – Floor near back door		Witness: M. Scott Date: 4-11-18 Admitted: yes
10	Photograph – Victim on back patio		Witness: M. Scott Date: 4-11-18 Admitted: yes
11	Photograph – Victim on back patio		Witness: M. Scott Date: 4-11-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
12	Photograph – Victim		Witness: Date: Admitted:
13	Photograph – Up close of victim’s face		Witness: S. Smithley Date: 4-11-18 Admitted: yes
14	Photograph – Victim		Witness: T. Walker Date: 4-11-18 Admitted: yes
15	Photograph – Spiderman Backpack		Witness: T. Walker Date: 4-11-18 Admitted: yes
16	Photograph – Plastic chair		Witness: T. Walker Date: 4-11-18 Admitted: yes
17	NNPD Interview – J.W. (audio)		Witness: Date: Admitted:
17A	NNPD Interview – J.W. (Transcript)		Witness: Date: Admitted:
17B	CHKD Interview – J.W. (audio/video)		Witness: Date: Admitted:
17C	CHKD Interview – J.W. (Transcript)		Witness: Date: Admitted:
18	Photograph – Front door		Witness: S. Smithley Date: 4-11-18 Admitted: yes
19	Photograph – Broken door frame		Witness: S. Smithley Date: 4-11-18 Admitted: yes
20	<i>Physical Evidence</i> – Piece of door frame		Witness: S. Smithley Date: 4-11-18 Admitted: yes
21	<i>Physical Evidence</i> – Piece of door frame		Witness: S. Smithley Date: 4-11-18 Admitted: yes
22	Photograph – Piece of door lock		Witness: Date: Admitted:
23	Photograph – blood stain in front living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes
24	Photograph – up close view of blood stain in front living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
25	Photograph – Plastic chair in living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes
26	Photograph – Blood and hair of victim		Witness: S. Smithley Date: 4-11-18 Admitted: yes
27	Photograph – Plastic chair		Witness: S. Smithley Date: 4-11-18 Admitted: yes
28	<i>Physical Evidence</i> – Plastic chair		Witness: S. Smithley Date: 4-11-18 Admitted: yes
29	<i>Physical Evidence</i> – Piece of plastic chair		Witness: S. Smithley Date: 4-11-18 Admitted: yes
30	Photograph – Blood on chair		Witness: S. Smithley Date: 4-11-18 Admitted: yes
31	<i>Physical Evidence</i> – Swab from blood on plastic chair		Witness: S. Smithley Date: 4-11-18 Admitted: yes
32	Photograph – Floor in living room into hallway		Witness: S. Smithley Date: 4-11-18 Admitted: yes
33	Photograph – Floor with blood		Witness: S. Smithley Date: 4-11-18 Admitted: yes
34	Photograph – Kitchen		Witness: S. Smithley Date: 4-11-18 Admitted: yes
35	Photograph – Side of refrigerator		Witness: S. Smithley Date: 4-11-18 Admitted: yes
36	Photograph – Floor entering kitchen		Witness: Date: Admitted:
37	Photograph – Floor back living room		Witness: Date: Admitted:
38	Photograph – Floor back living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes
39	Photograph – Blood on floor in back living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes
40	Photograph – Back living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
41	Photograph – Floor back living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes
42	Photograph – Blood on couch cushion		Witness: S. Smithley Date: 4-11-18 Admitted: yes
43	Photograph – Blood on couch		Witness: S. Smithley Date: 4-11-18 Admitted: yes
44	Photograph – Floor in back living room near back door		Witness: Date: Admitted:
45	Photograph – Possible shoe print		Witness: S. Smithley Date: 4-11-18 Admitted: yes
46	Photograph – Floor with blood stains		Witness: S. Smithley Date: 4-11-18 Admitted: yes
47	Photograph – Floor with blood stain		Witness: S. Smithley Date: 4-11-18 Admitted: yes
48	Photograph – Blood stain		Witness: S. Smithley Date: 4-11-18 Admitted: yes
49	Photograph – Backdoor		Witness: S. Smithley Date: 4-11-18 Admitted: yes
50	Photograph – Back screen door		Witness: S. Smithley Date: 4-11-18 Admitted: yes
51	Photograph – Back living room		Witness: Date: Admitted:
52	<i>Physical Evidence –</i> .40 S&W CBC cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes
53	<i>Physical Evidence –</i> .40 S&W cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes
54	<i>Physical Evidence –</i> .40 S&W cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes
55	<i>Physical Evidence –</i> Copper jacketed bullet		Witness: S. Smithley Date: 4-11-18 Admitted: yes
56	<i>Physical Evidence –</i> .40 S&W cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
57	<i>Physical Evidence</i> – .40 S&W CBC cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes
58	Photograph – Kitchen counter		Witness: S. Smithley Date: 4-11-18 Admitted: yes
59	Photograph – .40 S&W CBC cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes
60	Photograph – .40 S&W cartridge case		Witness: Date: Admitted:
61	Photograph – .40 S&W cartridge case		Witness: Date: Admitted:
62	Photograph – Copper jacketed bullet		Witness: Date: Admitted:
63	Photograph – .40 S&W cartridge case		Witness: Date: Admitted:
64	Photograph – .40 S&W CBC cartridge case		Witness: S. Smithley Date: 4-11-18 Admitted: yes
65	Photograph – Victim’s bedroom showing TV		Witness: S. Smithley Date: 4-11-18 Admitted: yes
66	Photograph – Victim’s bedroom (no TV)		Witness: S. Smithley Date: 4-11-18 Admitted: yes
67	<i>Physical Evidence</i> – \$1,640.00 United States currency		Witness: S. Smithley Date: 4-11-18 Admitted: yes
68	Photograph – Hallway; backpack hanging on door		Witness: S. Smithley Date: 4-11-18 Admitted: yes
69	Photograph – Marijuana from backpack		Witness: S. Smithley Date: 4-11-18 Admitted: yes
70	<i>Physical Evidence</i> – Marijuana		Witness: S. Smithley Date: 4-11-18 Admitted: yes
71	DEA Chemical Analysis Report 09/13/17 – Marijuana		Witness: Date: Admitted:
72	Photograph – Victim’s body		Witness: S. Smithley Date: 4-11-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
73	Photograph – Victim – left thigh wound		Witness: S. Smithley Date: 4-11-18 Admitted: yes
74	Photograph – Victim – back wound		Witness: S. Smithley Date: 4-11-18 Admitted: yes
75	Photograph – Victim - head wound		Witness: Date: Admitted:
76A	Crime Scene Diagram		Witness: S. Smithley Date: 4-11-18 Admitted: yes
76B	Crime Scene Diagram		Witness: S. Smithley Date: 4-11-18 Admitted: yes
77	Photograph – Victim shorts		Witness: Date: Admitted:
78	Photograph – Victim underwear		Witness: Date: Admitted:
79	Photograph – Up close victim underwear		Witness: Date: Admitted:
80	<i>Physical Evidence</i> – Bullet		Witness: S. Smithley Date: 4-11-18 Admitted: yes
81	<i>Physical Evidence</i> – Bullet		Witness: S. Smithley Date: 4-11-18 Admitted: yes
82	<i>Physical Evidence</i> – Benson cellular telephone		Witness: S. Smithley Date: 4-11-18 Admitted: yes
83	Photograph – Benson cellular telephone		Witness: S. Smithley Date: 4-11-18 Admitted: yes
84	<i>Physical Evidence</i> - Benson buccal swab		Witness: S. Smithley Date: 4-11-18 Admitted: yes
85	<i>Physical Evidence</i> – Victim blood card		Witness: S. Smithley Date: 4-11-18 Admitted: yes
86	Autopsy Report		Witness: Dr. Kinnison Date: 4-12-18 Admitted: yes
86A – 86L	Autopsy Photographs		Witness: Dr. Kinnison Date: 4-12-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
87A	Certificate of Analysis – July 21, 2009		Witness: G. Hill Date: 4-12-18 Admitted: yes
87B	Certificate of Analysis – November 4, 2009		Witness: G. Hill Date: 4-12-18 Admitted: yes
87C	Certificate of Analysis – November 9, 2010		Witness: G. Hill Date: 4-12-18 Admitted: yes
88	Screenshots – Benson cellular telephone - “Bro” in contact list		Witness: Date: Admitted:
89	Screenshots – Benson cellular telephone - “Bro” work number (617) 602-6862		Witness: Date: Admitted:
90	Screenshots – Benson cellular telephone - “Bro” mobile number (617) 980-3063		Witness: Sgt. Smithley Date: 4-12-18 Admitted: yes
90A	Screenshots – Benson cellular telephone- “Bro” mobile number (617) 980-3919		Witness: Sgt. Smithley Date: 4-12-18 Admitted: yes
91	Screenshots – Benson cellular telephone - “M E Z” in contact list		Witness: Sgt. Smithley Date: 4-12-18 Admitted: yes
92	Screenshots – Benson cellular telephone - “M E Z” work number (757) 696-0708		Witness: Sgt. Smithley Date: 4-12-18 Admitted: yes
93	Certificate of Analysis – April 23, 2009 Bullets/casings		Witness: Date: Admitted:
94	<i>Physical Evidence</i> – S & W .40 Caliber C2, Serial No.: PN7124		Witness: J. Valenti Date: 4-12-18 Admitted: yes
94A	<i>Physical Evidence</i> - Test Fires – S&W .40 Caliber C2		Witness: J. Valenti Date: 4-12-18 Admitted: yes
95	<i>Physical Evidence</i> – S & W Ruger P94 Serial No.: 341-21524		Witness: J. Valenti Date: 4-12-18 Admitted: yes
95A	<i>Physical Evidence</i> - Test Fires – S&W Ruger P94		Witness: J. Valenti Date: 4-12-18 Admitted: yes
96	Wiretap Telephone Call – Audio Call No. 513	9	Witness: C. Lennon Date: 4-12-18 Admitted: yes
96A	Transcript Telephone Call No. 513	9	Witness: C. Lennon Date: 4-12-18 Admitted: yes
97	Wiretap Telephone Call – Audio Call No. 515	9	Witness: C. Lennon Date: 4-12-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
97A	Transcript Telephone Call No. 515	9	Witness: C. Lennon Date: 4-12-18 Admitted: yes
98	T-III Wiretap Telephone Call – Audio Call No. 516	9	Witness: C. Lennon Date: 4-12-18 Admitted: yes
98A	Transcript Telephone Call No. 516	9	Witness: C. Lennon Date: 4-12-18 Admitted: yes
99A	NYPD Lab Report dated January 22, 2013		Witness: J. Valenti Date: 4-12-18 Admitted: yes
99B	NYPD Lab, Firearms Analysis Section Microscopy Worksheet		Witness: J. Valenti Date: 4-12-18 Admitted: yes
100	INTENTIONALLY LEFT BLANK		
101	Willie Berry Proffer Letter		Witness: W. Berry Date: 4-16-18 Admitted: yes
102	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
103	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
104	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
105	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
106	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
107	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
108	Greyhound Bus Records	10	Witness: P. Swartz Date: 4-12-18 Admitted: yes
109	Angel Alliers Plea Agreement		Witness: Date: Admitted:
110	Brandon Douglas Plea Agreement		Witness: B. Douglas Date: 4-13-18 Admitted: yes
111	Dewayne Douglas Plea Agreement		Witness: Date: Admitted:
112	Wayne Turner Plea Agreement		Witness: W. Turner Date: 4-16-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
113	Willie Berry Plea Agreement		Witness: W. Berry Date: 4-16-18 Admitted: yes
114	Audio Phone Call – B. Rivera		Witness: B. Rivera Date: 4-16-18 Admitted: yes
114A	Transcript – Phone Call B. Rivera		Witness: B. Rivera Date: 4-16-18 Admitted: yes
114B	Audio – Excerpt of B. Rivera Phone Call		Witness: B. Rivera Date: 4-16-18 Admitted: yes
114C	Transcript – Excerpt of B. Rivera Phone Call		Witness: Date: Admitted:
115	Photograph – Corey Odle		Witness: C. Lennon Date: 4-12-18 Admitted: yes
116	Photograph – Joseph Benson		Witness: B. Rivera Date: 4-16-18 Admitted: yes
116A	Photograph – Joseph Benson		Witness: W. Turner Date: 4-16-18 Admitted: yes
117	Photograph – Bryan Brown		Witness: C. Lennon Date: 4-12-18 Admitted: yes
118	Photograph – Mark Wallace		Witness: Date: Admitted:
119	Photograph – Rosuan Kindell		Witness: Date: Admitted:
120	Photograph – Kenny Jones		Witness: Date: Admitted:
121	Photograph – Blue Chevy Tahoe		Witness: B. Douglas Date: 4-13-18 Admitted: yes
122	Photographs – Jahnel Bocus Apartment		Witness: Date: Admitted:
123	Jahnel Bocus Lease Agreement	12	Witness: P. Swartz Date: 4-12-18 Admitted: yes
124	Sprint Corporation Telephone Subscriber Record for (757) 320-9603, in the name of Louis Joseph	13	Witness: P. Swartz Date: 4-12-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
124A	Sprint Corporation Telephone Call Detail Records for (757) 320-9603, in the name of Louis Joseph, from 03/01/2009 to 03/30/2009	13	Witness: P. Swartz Date: 4-12-18 Admitted: yes
125	T-Mobile USA Telephone Subscriber Record for (617) 372-2524, in the name of Joseph Benson	14	Witness: P. Swartz Date: 4-12-18 Admitted: yes
125A	T-Mobile USA Telephone Bill Reprint for (617) 372-2524, in the name of Joseph Benson, from 02/11/2009 to 09/09/2009	14	Witness: P. Swartz Date: 4-12-18 Admitted: yes
126	Sprint Corporation Telephone Subscriber Records for (617) 980-3919, in the name of Quenisha Kindell	15	Witness: P. Swartz Date: 4-12-18 Admitted: yes
126A	Sprint Corporation Telephone Bill Reprints for (617) 980-3919, in the name of Quenisha Kindell, from 11/29/2008 to 12/06/2008	15	Witness: P. Swartz Date: 4-12-18 Admitted: yes
126B	Sprint Corporation Telephone Bill Reprints for (617) 980-3919, in the name of Quenisha Kindell, from 12/07/2008 to 01/01/2009	15	Witness: P. Swartz Date: 4-12-18 Admitted: yes
126C	Sprint Corporation Telephone Call Detail Records for (617) 980-3919, in the name of Quenisha Kindell, from 01/01/2009 to 05/11/2010	15	Witness: P. Swartz Date: 4-12-18 Admitted: yes
127	nTelos Telephone Subscriber Records and Call Detail Records with Cell-Site Location Information for (757) 696-0708, in the name of Beverly Wallace, from 01/01/2009 to 04/22/2009	17	Witness: P. Swartz Date: 4-12-18 Admitted: yes
127A	nTelos Telephone Bill Reprints for (757) 696-0708, in the name of Beverly Wallace, from 09/05/2007 to 01/23/2009	17	Witness: P. Swartz Date: 4-12-18 Admitted: yes
127C	nTelos Telephone Bill Reprints for (757) 696-0708, in the name of Beverly Wallace, from 03/24/2009 to 12/23/2009	17	Witness: P. Swartz Date: 4-12-18 Admitted: yes
128	nTelos Telephone Bill Reprints for (804) 218-7725, in the name of Constance Brown, from 12/29/2008 to 03/24/2009	18	Witness: P. Swartz Date: 4-12-18 Admitted: yes
129	INTENTIONALLY LEFT BLANK		
130	INENTIONALLY LEFT BLANK		

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
131	<i>Physical Evidence</i> – Blood swab from left loveseat arm in back living room		Witness: S. Smithley Date: 4-11-18 Admitted: yes
132	FBI DNA Report of Examination dated October 14, 2011		Witness: Date: Admitted:
133	nTelos Telephone Subscriber Records for (757) 236-3939 in the name of Maurice McLain		Witness: Date: Admitted:
134	Sprint Corporation Telephone Subscriber Records for (757) 344-8094 in the name of Nina Elder		Witness: Date: Admitted:
134A	Sprint Corporation Telephone Bill Reprints for (757) 344-8094, in the name of Nina Elder, from 03/06/2009 to 11/24/2009		Witness: Date: Admitted:
134B	Sprint Corporation Telephone Call Detail Records for (757) 344-8094, in the name of Nina Elder, from 12/16/2009 to 05/03/2010		Witness: Date: Admitted:
135	Sprint Corporation Telephone Subscriber Records for (757) 768-8891 in the name of Tequilla Walker	21	Witness: P. Swartz Date: 4-12-18 Admitted: yes
135A	Sprint Corporation Telephone Call Detail Records for (757) 768-8891, in the name of Tequilla Walker, from 01/01/2009 to 04/30/2009	21	Witness: P. Swartz Date: 4-12-18 Admitted: yes
136	Verizon Wireless Telephone Subscriber Records for (757) 272-8498 (prepaid number, no name)		Witness: Date: Admitted:
137	Verizon Wireless Telephone Subscriber Records for (757) 344-3916 in the name of Dioresly S. Lora		Witness: Date: Admitted:
138	nTelos Cell-site Location List	23	Witness: P. Swartz Date: 4-12-18 Admitted: yes
138A	nTelos Cell-site Locations Map		Witness: Date: Admitted:
139	Sprint Corporation Repoll Number List	24	Witness: P. Swartz Date: 4-12-18 Admitted: yes

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
139A	Illustration of Repoll number, Switch / Market		Witness: P. Swartz Date: 4-12-18 Admitted: NO/ DEMONSTRATIVE
139B	Map of Repoll area 19		Witness: P. Swartz Date: 4-12-18 Admitted: NO/ DEMONSTRATIVE
140	Sprint Corporation Cell-Site Location List	25	Witness: P. Swartz Date: 4-12-18 Admitted: yes
140A	Illustration of cell site, cell towers and cell sectors		Witness: P. Swartz Date: 4-12-18 Admitted: NO/ DEMONSTRATIVE
141	Summary Chart of Repoll Data and Call Activity for (617) 980-3919, in the name of Rosuan Kindell on March 11-12, 2009		Witness: P. Swartz Date: 4-12-18 Admitted: yes
142	Summary Chart of Cell-Site Location Data and Call Activity for (757) 320-9603, in the name of Louis Joseph, on March 12-13, 2009		Witness: P. Swartz Date: 4-12-18 Admitted: yes
143	INTENTIONALLY LEFT BLANK		
144	Summary Chart of Cell-Site Location Data and Call Activity for (757) 696-0708, in the name of Mark Wallace, on March 13, 2009		Witness: P. Swartz Date: 4-12-18 Admitted: yes
145	Summary Chart of Call Activity for (617) 980-3919, in the name of Rosuan Kindell, with Greyhound Bus Company on March 13, 2009		Witness: P. Swartz Date: 4-13-18 Admitted: yes
146	Summary Chart of Repoll Data and Call Activity for (617) 980-3919, in the name of Rosuan Kindell, on March 11-12, 2009		Witness: P. Swartz Date: 4-13-18 Admitted: yes
147	Summary Chart of Call Activity for (617) 372-2524 during the Month of March 2009		Witness: P. Swartz Date: 4-13-18 Admitted: yes
148	Summary Chart of Telephone Activity		Witness: P. Swartz Date: 4-13-18 Admitted: yes
148A	Summary Chart of Telephone Activity inclusive of Douglas and Alliers MOVED IN BY BENSON		Witness: P. Swartz Date: 4-13-18 Admitted: yes
149	<i>Physical Evidence</i> - Mark Wallace letter		Witness: Date: Admitted:

<u>Exhibit No.</u>	<u>Description</u>	<u>Stip No.</u>	<u>Admitted</u>
150	Newport News Sheriff's Office Cell History (J. Benson/W. Turner)		Witness: P. Preyer Date: 4-16-18 Admitted: yes
151	Photograph – Kenny Jones		Witness: B. Douglas Date: 4-13-18 Admitted: yes
152	Photograph – Angel Alliers		Witness: B. Douglas Date: 4-13-18 Admitted: yes
153	Photograph – Dwayne Douglas		Witness: B. Douglas Date: 4-13-18 Admitted: yes
154	Crime Scene Video		Witness: S. Smithley Date: 4-11-18 Admitted: yes
155	Williamsburg Plantation Employment Records – Mark Wallace	29	Witness: Sgt. Smithley Date: 4-12-18 Admitted: yes
156	CellDek Report – Extraction Date 03/04/2010		Witness: Sgt. Smithley Date: 4-12-18 Admitted: yes
200	GJ Testimony of Penny Weaver-Sanchiz dated 5/11/15 p. 28		Witness: P. Weaver-Sanchiz Date: 4-13-18 Admitted: NO / M4ID